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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 MARK WAYNE SUTTON,

12 Plaintiff,

13 v.

14 NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
Operations,

15 Defendant.
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CASE NO. 17-5918 RJB JPD

ORDER ADOPTING REPORT AND
RECOMMENDATION

17 THIS MATTER comes before the Court on the Report and Recommendation of U.S.
18 Magistrate Judge James P. Donohue. Dkt. 13. The Court has considered the Report and
19 Recommendation, Plaintiff's Objections, Defendant's Response to the Objections, and the
20 remaining record.

21 The facts and procedural history are in the Report and Recommendation (Dkt. 13) and are
22 adopted here. The Report and Recommendation recommends upholding the Commissioner's
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1 denial of Plaintiff's application for disability benefits based on the finding that Plaintiff can
2 perform his past work as a mental health therapist. Dkt. 13.

3 Plaintiff objects, and argues that the ALJ erred in finding he could perform his past
4 relevant work due to his need to alternate between sitting and standing because "the vocational
5 expert's testimony fell far short of establishing that the job of clinical psychologist is 'generally'
6 performed with a sit/stand option." Dkt. 14, at 2. This objection is a reiteration of the arguments
7 in Plaintiffs' briefs and is addressed in the Report and Recommendation. The objection does not
8 provide a basis to reject the Report and Recommendation.

9 The Report and Recommendation (Dkt. 13) should be adopted, the decision to deny
10 benefits affirmed, and the case closed.

11 **ORDER**

12 It is **ORDERED** that:

13 The Report and Recommendation (Dkt. 13) **IS ADOPTED**;

14 The Commissioner's decision to deny Plaintiff benefits **IS AFFIRMED**; and

15 The case **IS DISMISSED**.

16 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge
17 Donohue, all counsel of record, and to any party appearing *pro se* at said party's last known
18 address.

19 Dated this 7th day of August, 2018.

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21 ROBERT J. BRYAN
22 United States District Judge
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